

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, SOUTHERN DIVISION

RSUI INDEMNITY COMPANY,

Plaintiff/Counter-Defendant,

CIVIL ACTION NO.

VS.

1:07cv893-LG-JMR

NEW PALACE CASINO, LLC,

Defendant/Counter-Plaintiff.

DEPOSITION OF:

JACK WELBOURN



1 A. That's correct.

2 Q. Is Cobbs, Allen and Hall a
3 captive insurance brokerage?

4 A. I'm not sure what you mean by
5 that.

6 Q. Are you an independent
7 brokerage? Can you seek insurance
8 policies from multiple lines?

9 A. Yes. From multiple carriers you
10 mean?

11 Q. From multiple carriers.

12 A. Yes.

13 Q. What other services does Cobbs,
14 Allen and Hall provide to their
15 clients?

16 A. Claims advocacy.

17 Q. What is claims advocacy?

18 A. Well, Alan is our claims
19 advocate. And what Alan's roles are,
20 and he can correct me if I'm wrong on
21 this, but he works with the insurance
22 carrier and the insured to keep
23 communications moving and to help the
24 insurance companies to not pay,
25 overpay a claim and help our insureds

1 to be paid what is agreed upon in the
2 policy.

3 Q. That's in the event of a loss?

4 A. In the event of a loss, that's
5 correct. If they don't have any
6 losses, they don't have to deal with
7 Alan.

8 Q. Does Cobbs, Allen and Hall hold
9 itself out as a specialist in placing
10 insurance coverages?

11 MR. TINDAL: Object to the
12 form.

13 A. I'm not sure exactly how to
14 answer that. Specialist is kind of a
15 word I don't know exactly what you
16 mean by. But, yes, we -- my role at
17 the company is to solely produce these
18 policies.

19 Q. Besides claims administration,
20 is that what you said?

21 A. Yes.

22 Q. Claims advocacy. What else do
23 you provide?

24 A. We have loss control
25 consultants.

1 executed policies on behalf of New
2 Palace Casino that you're aware of?

3 MR. TINDAL: Applications?

4 Q. Yeah, the actual applications
5 for policies.

6 A. No.

7 Q. Mr. Conwell would be the only
8 one?

9 A. Yes.

10 Q. At the time of Katrina other
11 than the three policies that we have
12 discussed, what other policies were in
13 place that you provided placement for
14 on behalf of New Palace?

15 A. General liability, umbrella,
16 crime, auto including garage.

17 Q. Are you aware if New Palace has
18 made any claims under any of those
19 policies that you have just mentioned
20 in relation to Katrina?

21 A. I believe the auto policy.

22 Q. Any others?

23 A. Could you -- have they made any
24 claims or have there been claims --

25 Q. Are you aware of any -- I

1 understand what you're saying. I'm
2 just asking if you are aware that New
3 Palace has made claims to carriers or
4 anyone that provided coverage other
5 than the three policies that we've
6 mentioned?

7 A. General liability policy and the
8 auto policy.

9 Q. And has Cobbs, Allen and Hall
10 assisted as a claims advocate for any
11 of those policies?

12 A. Yes.

13 Q. All the ones that you have just
14 mentioned?

15 A. Yes, both of them.

16 Q. Have you been involved in that
17 process or would that be a better
18 topic to discuss with --

19 A. I have been involved, but Alan
20 would be much more well versed than I
21 would.

22 Q. Okay. Are you aware of what New
23 Palace is currently making claims
24 against RSUI for?

25 A. Yes.

1 wanted increased flood protection?

2 A. No.

3 Q. Let me attach Cobb 81, 82 and 83
4 and Cobb 165 into the record as the
5 next exhibit. These are the renewal
6 quotations. I think it's Exhibit 3.

7
8 (Plaintiff's Exhibit No. 3 was
9 marked for identification.)

10
11 Q. And attach this June 30th, 2005,
12 e-mail from Beverly Casey to
13 George Conwell attaching three binders
14 for New Palace Casino property
15 coverage as Exhibit 4. It's Cobb 173.

16
17 (Plaintiff's Exhibit No. 4 was
18 marked for identification.)

19
20 MR. ZACHARY: No objection as
21 to attachment.

22 Q. I want to talk a little bit with
23 you. You said that Mr. McCain was
24 primarily acting as a claims advocate
25 on behalf of New Palace after the

1 loss?

2 A. Yes.

3 Q. But I believe that you stated
4 that after the loss, you also had some
5 involvement; is that right?

6 A. Yes.

7 Q. If we can, I'd like you to just
8 discuss a little bit about the history
9 of the loss, how you came to find out
10 about it, primarily -- you know, from
11 the first incident, how you came to
12 find out about it.

13 A. Well, I had just been down there
14 and I had talked to George. I had
15 come home. I talked to George the
16 following day, and we knew there was a
17 hurricane coming. And as the
18 hurricane hit, I knew George was
19 staying, so I was calling George to
20 make sure that he was okay and that
21 his family was okay. And about a day
22 went by where I could not contact him.
23 You know, they lost all the cell
24 towers.

25 And then after that, I called Dean